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NOFA D2011- Civil Rights Process Evaluation Initiative

**Notice of Funding Availability (NOFA): Request for Proposals**

**ACTION:** Request for Proposals to support The Office of Civil Rights in support of the Federal Transit Administration's (FTA) initiative to document headquarters and regional practices regarding civil rights activities. This initiative is the Civil Rights Process Evaluation.

**SOLICITATION:** This solicitation is for cost proposals for a cooperative agreement to provide logistical and technical support to document civil rights activities best practices for headquarters and regional civil rights offices. The Civil Rights Process Evaluation initiative will be completed in three phases. TCR's vision of this initiative is to better understand how civil rights issues are processed in both headquarters and regional offices, identify impediments faced by employees, identify best practices utilized by staff, identify what professional experience civil rights employees should have and produce a single document capturing recommendations and best practices that will guide staff and managers in completing their work efficiently, effectively and consistently.

**FUNDING:** Funding will be based on the best offer to the government.

**PROPOSAL SUBMISSIONS:** Proposals must be submitted electronically by close of business E.D.T. on March 16, 2011 to <http://www.grants.gov>. You must be registered with grants.gov in order to submit a cost proposal.

**FOR FURTHER INFORMATION CONTACT:** Ms. Linda Ford at (202) 366-1674 or **Linda.Ford@dot.gov**

## I. Funding Opportunity Description

### OBJECTIVE:

The objective of this cooperative agreement is to obtain products and services in support of the Federal Transit Administration's (FTA) Office of Civil Rights (TCR) initiative to document headquarters and regional practices regarding civil rights activities and document best practices that can be implemented nation-wide. This initiative is known as the "Civil Rights Process Evaluation." FTA administers federal funding to support a variety of locally planned, constructed, and operated public transportation systems throughout the Nation, including buses, subways, light rail, commuter rail, streetcars, passenger ferry boats, inclined railways, and people movers. TCR is engaging in the Civil Rights Process Evaluation initiative to document how TCR staff handles civil rights issues in its headquarters and regional offices. After documenting how TCR conducts its business, best practices will be identified and gathered into a single document to provide to all staff. Civil rights issues include program review, goal review, technical assistance, correspondence, and oversight activities (Triennial Reviews, State Management Reviews, Financial Management Reviews, and Procurement Reviews). This cooperative agreement will also allow TCR to identify best practices utilized by staff and identify what professional experience civil rights employees should have and produce a single document capturing recommendations and best practices that will guide staff and managers in completing their work effectively, effectively and consistently.

### BACKGROUND

FTA's mission includes ensuring nondiscriminatory, equitable, accessible and safe public transportation, enhancing the social and economic quality of life for all Americans. TCR is responsible for civil rights compliance and monitoring to ensure nondiscriminatory provision of transit services. TCR is charged with implementing four main external nondiscrimination and equal opportunity requirements: Titles II and III of the Americans with Disabilities Act of 1990 (ADA), Title VI of the Civil Rights Act of 1964 (Title VI), the Disadvantaged Business Enterprise (DBE) program, and the external Equal Employment Opportunity (EEO) program.

Within TCR, there are ten regional offices with ten<sup>i</sup> Equal Opportunity Specialists serving as Regional Civil Rights Officers (RCRO). The RCRO is responsible for reviewing civil rights programs submitted by FTA grantees. Grantees are required to submit programs for Title VI and EEO on a triennial<sup>ii</sup> basis. Grantees are required to submit a DBE program once unless there are major changes to the program, which will require updates and a new submission to FTA. In addition, also on a triennial basis, FTA grantees are required to submit DBE goals that set a percentage of contracting opportunities for minority- and women-owned businesses. RCROs are required to review civil rights programs and goals, provide feedback to grantees, and approve those

programs or goal methodologies. Finally, RCROs must also document and record their actions including approvals in FTA's TEAM system.

While there are no program submissions for ADA, the RCROs are responsible for reviewing grants to ensure all ADA requirements are met before funds are approved. For example, vehicles acquired must meet the accessibility standards outlined in 49 CFR Part 38; new and altered stations must incorporate the design specifications of the ADA Accessibility Guidelines (ADAAG). The RCROs provide some level of assistance regarding accessible design features in New Starts, Small Starts, and commuter rail projects. Triennial and State Management Reviews are two other management tools that examine grantee performance and adherence to a host of current FTA requirements, including civil rights requirements. The RCROs routinely participate in the reviews of their regions' grantees and are tasked with monitoring a grantee's progress in correcting any civil rights deficiency identified through the review, providing technical assistance along the way, and, ultimately, closing the deficiency finding in FTA's OTrak system once the issue is corrected.

### ***Current Environment***

In January 2011, an analysis of TEAM civil rights data occurred and revealed significant omissions in data and documentation. As a result, FTA began a project to reconcile the data and documentation held by RCROs, but not included in TEAM. This effort revealed significant differences in the way RCROs managed their workload, reviewed programs and goals, and the timing of approvals of program and goals. In addition, interaction between headquarters and RCROs was inconsistent in some cases and nonexistent in other cases. Further, the reconciliation project also revealed that in some regions programs and goals were not given a sufficient review before approval. Of particular concern are the work processes in regions 3, 4, 5, and 9, which represent three of the busiest regions because of the number of grantees in those regions and therefore grants. There is no set process for reviewing grants to ensure ADA compliance. The thoroughness of the reviews may vary among RCROs. Different resources and approaches may be used for identifying, resolving, and tracking potential compliance issues, and procedures may differ on reporting significant issues to headquarters. Accessibility issues should be identified as early as possible before project development, vehicle acquisition, or other activity substantially advances. For New Starts, Small Starts, and commuter rail projects, especially, the practices and effectiveness in identifying potential compliance issues in these projects vary. For some, it may be unclear when and how to escalate issues to headquarters. Similarly, the level of involvement in Triennial and State Management Reviews varies from region to region; different approaches exist for monitoring and closing out deficient findings, and reporting issues to headquarters as needed.

The objective of this initiative is to develop a detailed document that outlines current workflow, identifies inconsistencies in that workflow, identifies how the workflow could be improved, and identifies effective workflow practices in each activity above that can be utilized and followed in the regions and headquarters.

**ACTIVITY PLAN:**

TCR requires RCROs to document and record their activities regarding the review and approval of civil rights programs and goals. The Civil Rights Process Evaluation initiative will record the workflow of each RCRO, and in some cases, will require indexing documents, scanning those documents for submission in TEAM, and review of those documents for sufficiency with civil rights requirements. The project will also survey the processes RCROs use to review various types of grants for ADA sufficiency, record the workflow of each staff member, and identify actions that have shown effective in revealing potential compliance issues before funds are approved. For Triennial and State Management Reviews, the project will examine the RCROs' level of involvement in the reviews, again, record the workflow, and identify practices that have helped ensure any deficiencies are flagged, followed-up upon, corrected, and appropriately and timely closed in TEAM.

Further, the Civil Rights Process Evaluation initiative will also include recording the workflow of headquarters staff and their interaction and involvement with RCROs in reviewing and approving programs and goals, identifying and resolving ADA issues during the grant process, and coordinating on Triennial and State Management Review activity.

The objective of this initiative is to develop a detailed document that outlines current workflow, identifies inconsistencies in that workflow, identifies how the workflow could be improved, and identifies effective workflow practices in each activity above that can be utilized and followed in the regions and headquarters.

The Integrated Project Team (IPT) will consist of a team leader, a project manager, and a contract specialist. The team leader will be a senior manager in TCR while the project manager will be a subject matter expert capable of guiding the vendor on civil rights issues.

**OVERVIEW OF CIVIL RIGHTS PROCESS EVALUATION INITIATIVE**

The Civil Rights Process Evaluation initiative will be completed in three phases. The first phase will be data gathering in all ten regional offices. The second phase will be data gathering in the headquarters office in Washington, D.C. The third and final phase will be documentation review and the development of recommendations and best practices document.

**KICK OFF MEETING**

The vendor selected shall participate in a kick-off meeting at TCR's offices in Washington D.C. at a mutually agreed date and time that is no later than ten (10) business days after the award. The project manager will contact the vendor to schedule this meeting. The purpose of this meeting is to introduce the vendor to the IPT and to review

the terms and conditions of this cooperative agreement. The vendor shall provide minutes of the meeting three (3) business days after the meeting to the project manager.

## REQUIREMENTS

### **Data Gathering in Regional Offices**

The vendor shall travel to each regional office to conduct, document, and record the following:

- a. Interviews of appropriate regional staff regarding workflow for civil rights review and approvals including, but not limited to, the RCRO, the Regional Administrator, Deputy Regional Administrator, and program/grant managers.
- b. Survey civil rights programs to develop a sample of programs illustrative of the civil rights review process and approval by the RCRO.
- c. Review a range of different types of grants (e.g., new construction, vehicle acquisition) that have ADA compliance requirements and survey RCRO activity and processes.
- d. Download all civil rights findings in FTA's Oversight Tracking System ("OTrak") system to determine utilization of OTrak by the RCRO for the last two years and document activity related to Triennial and State Management Reviews.
- e. Survey Transportation Electronic Award and Management ("TEAM") system to determine utilization of TEAM by the RCRO and document number of grantees, average number of grants in region, average length of time to approve civil rights programs, and frequency and utilization of terms such as "conditional approval," "pending," "expired," etc.
- f. Collect documents including, but not limited to:

Checklists, form letters, emails, charts or other documents used by RCRO in the review or approval of civil rights programs

Approval letters/emails (as part of sampling of civil rights programs)

Notification/Reminder letters/emails sent to grantees regarding program expiration

Call logs

### **Data Gathering in Headquarters**

The vendor shall travel to TCR headquarters in Washington, D.C. to conduct, document, and record the following:

- a. Interviews of appropriate headquarters staff regarding workflow for civil rights programs and goals review and approvals including, but not limited to, the Director, the Deputy Director, Division Chiefs, Team Leads, and Equal Opportunity Specialists.

- b. Survey appropriate documents to develop a sample of activities conducted by headquarters staff in the review and approval of civil rights programs and goals.
- c. Collect documents including, but not limited to:

Checklists, form letters, emails, spreadsheets, charts or other documents used by headquarters staff in the review or approval of civil rights programs and goals  
Call logs

### **Program and Goal Collection and Analysis in Select Regions**

The vendor shall, after consultation with the IPT, conduct certain activities in regional offices including, but not limited to:

- a. Indexing civil rights programs and goals located in a regional office.
- b. Scan programs and goals into a suitable electronic format capable of being submitted/uploaded into TEAM.
- c. Review of programs and goals for compliance with civil rights requirements.

### **Development of Best Practices Document**

The vendor shall develop a best practices document that analyzes the data from 5.1, 5.2, and 5.3, including trend analysis, develop recommendations and conclusions about civil rights workflow processes, and identify best practices and procedures capable of implementation in the regional offices and headquarters to ensure effective, efficient, and consistent review of civil rights programs and goals.

### **5.4 Concept of Operations/Project Plan**

The vendor shall provide a logically organized Concept of Operations (CONOPS)/Project Plan that describes:

- a. **Project Scope:** Summarizes what needs to be done to achieve objectives.
- b. **Communication Strategy:** Identifies how the vendor shall manage the collection and dissemination of information from and to the IPT and within the vendor's team to avoid misunderstandings. Also identifies assumptions and constraints the vendor has in regards to the requirements.
- c. **Risk Approach:** Identifies common risks that the vendor has encountered in similar past projects and how those risks/issues were resolved. Also identifies the risk management approach the vendor will use to identify, analyze, and resolve issues that may arise in the course of this cooperative agreement.
- d. **Regular Meeting and Reports:** The vendor shall present a draft initial schedule of meetings and regular reports. After agreement by the IPT, the meeting schedule, meeting minutes, report schedule, format and distribution shall be

memorialized in writing by the vendor within twenty-four (24) hours of the Kick-Off meeting.

- e. Suitability: Identifies key personnel and professional experience that will enable successful completion of this cooperative agreement tasks. Business process analysts, management consultants, process, research, survey, and behavioral specialists are highly suited for work under this cooperative agreement.

The Concept of Operations/Project Plan has to be approved by the IPT before implementation.

#### SCHEDULE OF DELIVARABLES

The schedule below identifies key milestones that the vendor shall meet.

<b>SOO Citation and Brief Description</b>	<b>Due Date</b>	<b>Inspection Standard</b>
4.0 Kick-Off Meeting	At a mutually agreed to date and time that is no later than ten (10) business days after award.	N/A
4.0 Minutes from Kick-Off Meeting	Provided to the Project Manager three (3) business days after the Kick-Off Meeting.	Identifies attendees, topics discussed, and action items.
5.5 Concept of Operations/Project Plan	Provided to Project Manager no later than thirty days after Kick-Off Meeting	Includes Project Scope, Work Breakdown Structure, Communication Strategy, and Risk Approach. Narrative should be logically laid out, well-written and grammatically correct. Diagrams, figures, and/or tables should logically relate to narrative and be clearly marked and referenced. One (1) Electronic and One (1) Hardcopy required.
5.5 Concept of Operations/Project Plan Approval by IPT	Fifteen (15) business days after receipt	N/A
5.1 Data Gathering in Regional Offices	No later than Forty-Five (45) business days after approval of CONOPS/Project Plan or at a date mutually agreed upon by vendor and IPT.	Conducted in a professional and courteous manner.
5.1 Data Gathering in Regional Offices	Check-in after completion of first regional review—Draft report due to IPT no later than ten (10) business days after successful completion of first regional review as outlined in approved CONOPS/Project Plan or a date mutually	Reflects discussions with Government. Includes resource requirements and other pertinent information.

SOO Citation and Brief Description	Due Date	Inspection Standard
	agreed upon by vendor and IPT. <b>The IPT has 10 business days to review and approve report.</b>	
5.1 Data Gathering in Regional Offices	Each draft report is due to IPT ten (10) business days after successful completion of regional reviews as outlined in CONOPS/Project Plan or a date mutually agreed upon by vendor and IPT. <b>The IPT has 10 business days to review each draft report.</b>	Completion of regional reviews no later than twelve (12) months after approval of CONOPS/Project Plan or a date mutually agreed upon by vendor and IPT.
5.2 Data Gathering in Headquarters	No later than forty-five (45) business days after completion of regional reviews or a date mutually agreed upon by vendor and IPT.	Conducted in a professional and courteous manner.
5.2 Data Gathering in Headquarters	Draft report due to IPT no later than sixty (60) days after successful completion of 5.2 or a date mutually agreed upon by vendor and IPT. <b>The IPT has 10 business days to review draft report.</b>	Narrative should be logically laid out, well-written and grammatically correct. Diagrams, figures, and/or tables should logically relate to narrative and be clearly marked and referenced. One (1) Electronic and One (1) Hardcopy required.
5.3 Program and Goal Collection and Analysis in Select Regions	Indexing, scanning, and analysis complete no later than forty-five (45) days after agreement between vendor and IPT on which regions or a date mutually agreed upon by vendor and IPT.	Index is logically formatted, scanned documents are clear and easy to read, loaded into TEAM accurately, and analysis is accurate and easy to understand.
5.4 Best Practices Document	Draft document due to IPT on a date that is mutually agreed to between the vendor and the IPT.	Narrative should be logically laid out, well-written and grammatically correct. Diagrams, figures, and/or tables should logically relate to narrative and be clearly marked and referenced. 2 <sup>nd</sup> Draft will be reviewed on sufficiency of writing style, grammar, accuracy, and ease of use. Final will be reviewed to be sure all previous changes have been incorporated.

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## **CONFIDENTIALLY AND CONFLICT OF INTEREST**

### **A. Confidentiality**

The vendor and any personnel assigned to work on this cooperative agreement, including any employees, consultants, agents, or other representatives of the vendor (collectively “the vendor personnel”) are restricted as to their use or disclosure of non-public information obtained during the term of this cooperative agreement. Non-public information means any information that is not routinely available for public inspection including, but not limited to, information that is subject to the attorney-client privilege, the attorney work product doctrine, the deliberative process privilege, or any other relevant claims of privilege and exempt from disclosure under the Freedom of Information Act. It is the responsibility of the vendor and vendor personnel to preserve all non-public information in confidence.

The vendor and vendor personnel may not discuss or disclose non-public information, either within or outside of the vendor’s organization, except (a) FTA employees authorized by the IPT to receive such information; (b) for approved vendor personnel who have been identified in the CONOPS/Project Plan as necessary for performance of work under the cooperative agreement; or (c) as directed in writing by the IPT. Requests for the use of any non-public information obtained during, or resulting from, the performance of the cooperative agreement must be addressed in writing to, and approved in writing by the IPT.

The prohibition on disclosure of information described above is an ongoing obligation of the vendor and vendor personnel and does not terminate with completion of work under this cooperative agreement.

### **B. CONFLICT OF INTEREST**

The vendor is expected to provide high quality service to the FTA and TCR that is free from bias, and personal and organizational conflicts of interest (see e.g., FAR Part 9.5), including the appearance of impropriety or unprofessional conduct. At all times, the vendor must exercise organizational independence to ensure its ability to objectively support the FTA/TCR’s programs and activities.

Neither the vendor nor any vendor personnel may perform services under this cooperative agreement that directly relate to matters on which it has worked in the past (other than for the FTA) without explicit authorization in writing from the IPT. Any such past role or involvement is deemed to create, at a minimum, a potential conflict of interest and must be reported in writing immediately to FTA’s Contracting Officer for review and disposition.

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During and after the cooperative agreement term, neither the vendor nor any vendor personnel may dispute the validity of any work product generated under this cooperative agreement in any matter adverse to the interests of the FTA.

During the cooperative agreement term and for a period of six (6) months thereafter, neither the vendor nor any vendor personnel may provide services to any third party (i.e., any party other than the FTA or the vendor) with respect to any matter that directly relates to the subject matter of any services performed under this cooperative agreement. Any such representation is deemed to create, at a minimum, a potential conflict of interest and must be reported in writing immediately to FTA's Contracting Officer for review and disposition.

During the cooperative agreement term, and for a period of three (3) months thereafter, neither the vendor nor any vendor personnel may provide services to any third party with respect to any matter indirectly relating to the subject matter of any services performed under this order without first providing a detailed written explanation of the proposed services to be rendered and obtaining the written consent of FTA's Contracting Officer in connection therewith. The Contracting Officer's Technical Representative consent shall not be unreasonably withheld.

## II. Award Information

FTA will fund one cooperative agreement for a twenty –four month period of performance. Award may be extended only upon agreement of vendor and IPT. Funding for the cooperative agreement under this program will not exceed \$500,000 which will cover the recipient's expenses as well as costs summary reports. Applicants should specify what amount and percentage of the award will be reserved for their costs. The FTA will participate in activities by attending review meetings, commenting on technical reports, maintaining frequent contact with the project manager and approving key decisions and activities any redirecting activities if needed.

### Cost sharing or matching

FTA funds are available for proposals at up to 100 percent of the project cost. However, cost sharing will be an evaluation criterion.

## III. Eligibility Information

Eligible recipients include public and private universities, non-profit organizations, consultants, legally constituted public agencies, and private for-profit organizations.

## IV. Proposal Content

This announcement includes all of the information that you need to apply. The following forms are available in [grants.gov](http://grants.gov) and are required to be completed:

1. SF 424 Mandatory
2. Other Attachments Form

#### SF 424 Mandatory

Most of SF 424 is self explanatory. The application should answer the following items as follows:

- 1a – Application
- 1b – Annual
- 4a – Leave blank
- 4b – 26

#### Other Attachments Form:

The applicant should include the following attachments in its proposal:

1. A description of key personnel, including biographies.
2. A description of past performances on activities relevant to the proposed work.
3. A technical management plan, which includes the number of workshops the recipient proposes to organize as well as the management approach for planning, administering, coordinating, and conducting the work effort.
4. A proposal for cost sharing, if applicable.
5. A project budget, which specifies the amount and proportion of the award that will pay for the recipients' costs, the amount and proportion of the award that will pay for facilities and materials.

#### V. Application Review Information

A panel will be convened to review each proposal. Project proposals will be evaluated based on the following criteria, which will receive equal weight in the evaluation:

1. 2. Qualification of key personnel, which includes knowledge of and prior experience on workshop organizing, knowledge of and prior experience on civil rights issues, and documenting and creating best practices manuals.
3. Past performance on activities relevant to proposed work.
4. The applicant's technical management plan.
5. The applicant's cost-sharing proposal, if applicable. (The greater the amount of financial or in-kind contributions that the applicant proposes as a local match, the higher the applicant's score will be in this area).
6. The applicant's proposed budget.

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## VI. Award Administration Information

The anticipated notification date for the award of this cooperative agreement is March 2011 with an anticipated start date for the successful applicant by the fourth quarter of FY2011.

The Director of the FTA Office of Civil Rights will notify the successful entity. Following receipt of the Director's notification letter, the successful entity will be required to submit the Formal Application as outlined in Chapter II (Items 10-25) of FTA Circular 6100.C: Transit Research and Technology Programs: Application Instructions and Program Management Guidelines at <http://www.fta.dot.gov> through the FTA Transportation Electronic Award Management (TEAM) system website.

FTA will manage the cooperative agreement through the TEAM system website. Before FTA may award Federal financial assistance through a Federal grant or cooperative agreement, the entity must submit all certifications and assurances pertaining to itself and its project as required by Federal laws and regulations. Since FY 1995, FTA has been consolidating the various certifications and assurances that may be required of its awardees and the projects into a single document published in the Federal Register. FY 2010 Annual List of Certifications and Assurances for FTA Grants and Cooperative Agreements and guidelines will be published in the Federal Register and posted on the FTA website at <http://www.fta.dot.gov>.

Recipients will be required to manage their projects in accordance with FTA Circular 6100.C: Transit Research and Technology Programs: Application Instructions and Program Management Guidelines at <http://www.fta.dot.gov>. This includes requirements on project management and administration, including quarterly reporting, financial management, and payment.

The following Clauses apply:

### **FAR 52.223-10 Waste Reduction Program.**

#### **WASTE REDUCTION PROGRAM (AUG 2000)**

(a) *Definitions.* As used in this clause—

“Recycling” means the series of activities, including collection, separation, and processing, by which products or other materials are recovered from the solid waste stream for use in the form of raw materials in the manufacture of products other than fuel for producing heat or power by combustion.

“Waste prevention” means any change in the design, manufacturing, purchase, or use of materials or products (including packaging) to reduce their amount or toxicity before they are discarded. Waste prevention also refers to the reuse of products or materials.

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“Waste reduction” means preventing or decreasing the amount of waste being generated through waste prevention, recycling, or purchasing recycled and environmentally preferable products.

(b) Consistent with the requirements of Section 701 of Executive Order 13101, the Contractor shall establish a program to promote cost-effective waste reduction in all operations and facilities covered by this contract. The Contractor’s programs shall comply with applicable Federal, State, and local requirements, specifically including Section 6002 of the Resource Conservation and Recovery Act ([42 U.S.C. 6962](#), *et seq.*) and implementing regulations (40 CFR Part 247).

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<sup>i</sup> In regions 4 and 9, there is an additional Equal Opportunity Specialist handling civil rights matters under a term appointment.

<sup>ii</sup> Metropolitan Planning Organizations are required to submit their Title VI program every four years.